

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 48

Filed by: Interference Trial Section

Merits Panel

Board of Patent Appeals and Interferences

U.S. Patent and Trademark Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

FAXED

DEC 20 2004

XIAO LIU and MENG ZHU

Junior party,
U.S. Patent 6,045,767

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

v.

TOMOHIRO KAWASE and MASAMI TATSUMI

Senior party,
Reissue Application 09/824,965

Patent Interference No. 105,237

Before SCHAFFER, TORCZON and NAGUMO, Administrative Patent Judges.

SCHAFFER, Administrative Patent Judge.

FINAL JUDGMENT - Bd. R. 127(b)(4)


Liu filed a paper abandoning the contest. A notice abandoning the contest is construed as a request for entry of adverse judgment. 37 CFR § 41.127(b)(4). Paper 47. Accordingly, it is


ORDERED that judgment on priority as to the subject matter of Count 2 (Paper 22, p.2), is awarded against the junior party, XIAO LIU and MENG ZHU;

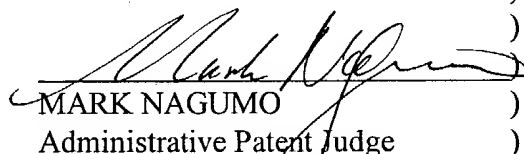
FURTHER ORDERED that junior party, XIAO LIU and MENG ZHU, is not entitled to a patent containing claims 1-8 (corresponding to Count 2) of U.S. Patent 6,045,767;

FURTHER ORDERED that a copy of this judgment be made of record in the file of U.S. Patent 6,045,767 and 09/824,965;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.


RICHARD E. SCHAFER)
Administrative Patent Judge)


RICHARD TORCZON) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
INTERFERENCES)


MARK NAGUMO)
Administrative Patent Judge)

cc (facsimile):

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